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ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DALE ARNOLD, : CIVIL NO. 1:00-CV-0775
Petitioner : (Judge Kane)
v. : (Magistrate Judge Smyser) ✓
KENNETH KYLER, :
Respondent : (Mary E. D'Andrea, Clerk, Deputy Clerk)
Per

AND NOW COMES, the Respondent, by and through its attorney, Todd K. Hinkley, Esquire, states as follows:

1. By Orders dated September 27, 2000 and November 29, 2000 this Honorable Court directed the filing of the trial transcripts or a copy thereof.
2. By Order of December 27, 2000 this Honorable Court set a hearing date for January 11, 2001 at which time the respondent will be expected at this hearing to show cause why the petition for a writ of habeas corpus should not be granted.
3. On, or about January 4, 2001 the Respondent's attorney, Todd K. Hinkley contacted the Petitioner's counsel Daniel Siegal, Esquire of the Federal Public Defender's office in regards to the transcripts and the January 11, 2001 hearing. Attorney Siegal agreed to the Respondent's request to speak this Honorable Court ex parte in regards to the necessity of the hearing.
4. On, or about January 5, 2001 the Respondent's attorney, Todd K. Hinkley contacted Judge Smyser's office and spoke to his law clerk in regards to the above. The Respondent agreed to provide the court with it's copy of the trial transcript. This being the case, and the Respondent's making arrangements to have its transcript transported to the Court, the necessity for the January 11, 2001 hearing is negated.

WHEREFORE, the Respondent requests this Honorable Court quash its Order of December 27, 2000 setting a hearing for January 11, 2001 in the above referenced matter.

Respectfully submitted,

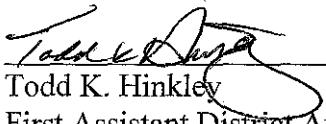
Todd K. Hinkley
Todd K. Hinkley
First Assistant District Attorney
Bradford County District Attorney's Office

UNITED STATE DISTRICT COURT
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	:	
KENNETH KYLER,	:	
	:	
Respondent	:	

AFFIDAVIT

I swear and/or affirm that the facts set forth in the attached motion are true and correct to the best of my belief and knowledge.



Todd K. Hinkley
First Assistant District Attorney
Bradford County District Attorney's Office

UNITED STATES DISTRICT COURT
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v. : (Magistrate Judge Smyser)
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KENNETH KYLER, :
: :
Respondent : :

CERTIFICATE OF SERVICE

I, Todd K. Hinkley, Esq., attorney for Respondent, hereby certify that on the 5th day of January, 2001, I served a copy of foregoing motion to quash Order of December 27, 2000 on the above matter on the following persons and in the manner indicated below.

Service by UPS Next Day Air
Addressed as follows:

United States District Court
Attention: Clerks Office
P.O. Box 1060, 228 Walnut Street
Harrisburg, PA 17108

Service by First Class Mail
Addressed as follows:

J. Andrew Smyser
Magistrate Judge
P.O. Box 827
Federal Building
Harrisburg, PA 17108-0827

Honorable Yvette Kane
228 Walnut Street
P.O. Box 983
Harrisburg, PA 17108

Dale Arnold
Inmate #AK 5044
SCI Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112

Daniel I. Siegel, Esquire
Assistant Federal Public Defender
100 Chestnut Street, Suite 306
Harrisburg, PA 17101

DATED: January 5, 2001

Todd K. Hinkley
Todd K. Hinkley, Esq.
Counsel for Respondent
District Attorney's Office
Bradford County Courthouse
301 Main Street
Towanda, PA 18848
(570) 265-1712
Attorney ID# 68881